

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

2007 FEB 16 P 2:34

George D. McCARLEY,

Plaintiff,

v.

HOUSEHOLD FINANCE
CORPORATION III, et al.,

Defendants.

))))))))))

Civil Action No. 3:06-cv-00091-MEF

Lead Case

(3:06-cv-00103-MEF)

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

ANSWER

Defendant Household International, Inc. answers the complaint as amended (the “Complaint”) as follows:

First Defense

1. Defendant denies the material allegations of the Complaint, except that defendant admits and avers that this Court has subject matter jurisdiction under the Real Estate Settlement Procedures Act ("RESPA"), that venue is proper, that plaintiff entered into a loan and mortgage with HomeSense Financial Corp. of Alabama, that said mortgage was purchased by an affiliate of HSBC Mortgage Services, Inc., that said mortgage was thereupon serviced by HSBC Mortgage Services, Inc., and that the mortgage was foreclosed. Defendant contests the relief sought.

Second Defense

2. There is an absence of personal jurisdiction over this defendant.

Third Defense

3. The Complaint fails to state a claim upon which relief can be granted.

Fourth Defense

4. The Complaint fails to comply with the requirements of Rule 8.

Fifth Defense

5. Plaintiff's claims are barred by the statute of limitations.

Sixth Defense

6. Plaintiff claims are barred by his failure to make required qualified written requests.

Seventh Defense

7. Any damages in this matter are limited by the provisions of 12 U.S.C § 2605.

Eighth Defense

8. Plaintiff's claims are barred by the doctrines of waiver and estoppel.

Ninth Defense

9. Plaintiff has failed to provide required notices.

Tenth Defense

10. Plaintiff has failed to mitigate damages.

Eleventh Defense

11. Plaintiff's claims are barred by res judicata and collateral estoppel.

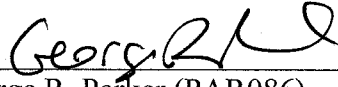
Twelfth Defense

12. Plaintiff lacks standing to pursue one or more of the purported claims, by virtue of 12 USC § 1833a(d), among other reasons.

Thirteenth Defense

13. To the extent the Complaint seeks to make defendant liable for punitive damages, defendant adopts by reference the defenses, criteria, limitations, standards and constitutional protections mandated or provided by the United States Supreme Court in BMW of North America, Inc. v. Gore, 517 U.S.

559 (1996), Cooper Industries, Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001), and State Farm Mutual Automobile Insurance Company v. Campbell, 538 U.S. 408 (2003).



George R. Parker (PAR086)
Bradley Arant Rose & White LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
(334) 956-7700

Attorney for Defendant
Household International, Inc.

OF COUNSEL:

BRADLEY ARANT ROSE & WHITE LLP
The Alabama Center for Commerce
401 Adams Avenue, Suite 780
Montgomery, AL 36104
(334) 956-7700

CERTIFICATE OF SERVICE

I hereby certify that I have, on this the 16th day of February, 2007, served a correct copy of the foregoing upon the following by placing the same in the United States Mail, properly addressed and postage prepaid:

George D. McCarley
216B Chestnut Street
Roanoke, AL 36274

